

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-18785 - APPLICANT/OWNER: CAROLYN MICH'L ET AL

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Rezoning (ZON-5121) shall expire on December 15th, 2007 unless another Extension of Time is approved.
2. Conformance to the Conditions of Approval for Rezoning (ZON-5121) and all other subsequent related cases and as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Rezoning (ZON-5121) from U (Undeveloped) [GC (General Commercial) General Plan designation] under Resolution of Intent to C-2 (General Commercial) to R-PD8 (Residential Planned Development - 8 units per acre) on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road.

The extension of time request is due to the applicant switching builders for the project and contamination of groundwater at the subject property. The applicant is working toward cleaning the groundwater on the site; however, this project could move on to the Tentative Map stage to keep progressing. Approval of this request with a one year time limit is recommended. It is noted that two other Extensions of Time (EOT-19549 and EOT-19548) related to this project shall be heard concurrently with this item.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
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| 05/16/01 | The City Council approved a request (GPA-0006-01) to amend the Southwest Sector Plan of the General Plan for this property from SC (Service Commercial) to GC (General Commercial). The Planning Commission recommended denial on 04/12/01. |
| 05/16/01 | The City Council approved a request for Rezoning (Z-0014-01) of the subject property from C-1 (Limited Commercial) to C-2 (General Commercial); a Special Use Permit (U-0040-01) for a minor auto repair garage with service bays that face a public right-of-way; a Special Use Permit (U-0041-01) for a boat and trailer dealership; a Special Use Permit (U-0042-01) for used motor vehicle sales; and a Site Development Plan Review [Z-0014-01(1)] for a proposed 11,400 square-foot building. The Planning Commission had no recommendation for these applications at its 04/12/01 meeting because it had recommended denial of an accompanying application for a General Plan Amendment (GPA-0006-01). |
| 08/06/03 | The City Council approved an Extension of Time (EOT-2448) on an approved Special Use Permit (U-0040-01) for a Minor Auto Repair Garage with service bays that face a public right-of-way. The Planning Commission recommended approval of the application on 07/10/03, and the staff recommended denial of the application on the same date. |

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| 12/03/03 | The City Council approved an Extension of Time (EOT-3126) on an approved Special Use Permit (U-0041-01), which allowed a new and used boat and trailer dealership; an Extension of Time (EOT-3127) on an approved Special Use Permit (U-0042-01), which allowed used motor vehicle sales; an Extension of Time (EOT-3230) on a request for Rezoning (Z-0014-01) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-2 (General Commercial); and a Site Development Plan Review [Z-0014-01(1)] which allowed an 11,400 square foot commercial building. The Planning Commission recommended approval on 11/06/03, and the staff recommended denial on the same date. |
| 12/15/04 | The City Council approved a General Plan Amendment (GPA-5120) to reclassify the subject property from GC (General Commercial) to ML (Medium-Low Density Residential), a Rezoning (ZON-5121) the subject property from C-2 (General Commercial) to R-PD8 (Residential Planned Development - 8 Units Per Acre), a Variance (VAR-5124) to reduce the open space requirement, and a Site Development Plan Review (SDR-5122) for a proposed 40-lot single-family residential development on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road (APN 163-01-501-001 and 002). The Planning Commission recommended approval on 10/07/04. Staff recommended denial. |
| <i>Related Building Permits/Business Licenses</i> | |
| There are no permits or licenses related to this request. | |
| <i>Pre-Application Meeting</i> | |
| A pre-application meeting is not required, nor was one held. | |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting is not required, nor was one held. | |

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| <i>Details of Application Request</i> | |
| <i>Site Area</i> | |
| Gross Acres | 5.0 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|---------------------------|-----------------------------|---|
| Subject Property | Undeveloped | SC (Service Commercial) | U (Undeveloped) [ML (Medium Low Density Residential) land use designation] under Resolution of Intent to R-PD8 (Residential Planned Development – 8 Units per Acre) |
| North | Commercial | SC (Service Commercial) | C-1 (Limited Commercial) |
| South | Single Family Residential | L (Low Density Residential) | R-1 (Single Family Residential) |
| East | Commercial | SC (Service Commercial) | C-1 (Limited Commercial) |

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|------|---------------------------|----------------------------|---|
| West | Commercial Undeveloped | SC (Service Commercial) | C-2 (General Commercial) R-E (Residence Estates) |
|------|---------------------------|----------------------------|---|

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| Special Area Plan | | X | N/A |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | | |
| A-O Airport Overlay District (200-foot) | X | | Y |
| Trails | | X | N/A |
| Rural Preservation Overlay District | | X | N/A |
| Development Impact Notification Assessment | | X | N/A |
| Project of Regional Significance | | X | N/A |

ANALYSIS

This is the first request for an extension of time on the subject property. The applicant has changed builders, which resulted in a delay. Additionally, the underground water at this site is contaminated. The applicant is in the process of cleaning the groundwater. This set of applications could move on to the Tentative Map stage to continue progress with the proposed project. Approval of this request with a one year time limit is recommended.

Conditions of approval from ZON-5121

1. A General Plan Amendment (GPA-5120), a Variance (VAR-5124), and a Site Development Plan Review (SDR-5122) approved by the City Council and prior to the issuance of any permits, any site grading, and any development activity for the site.
2. A Resolution of Intent with a two-year time limit.
3. Dedicate 40 feet of right-of-way adjacent to this site for Lindell Road and dedicate a 54-foot radius on the southeast corner of Charleston Boulevard and Lindell Road.
4. Construct half-street improvements including appropriate overpaving on Lindell Road adjacent to this site concurrent with development of this site. Construct all incomplete half-street improvements on Charleston Boulevard adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Obtain permission from Clark County for any work proposed on the west side of Lindell Road prior to the issuance of any permits.

5. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard public right-of-way adjacent to this site prior to the issuance of any permits.
6. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

FINDINGS

Approval of the original Rezoning (ZON-5121) was granted on 12/15/04. This request for an extension of time is deemed appropriate given the circumstances currently occurring on the subject property. Approval of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT

N/A

SENATE DISTRICT

N/A

NOTICES MAILED

N/A

APPROVALS

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PROTESTS

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